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IN THE

Supreme Court of the United States

October Term, ~~1948~~ 1949

Nos. ~~[illegible]~~ 4 - 9

UNITED STATES OF AMERICA, *Petitioner,*

vs.

GERLACH LIVE STOCK COMPANY, a Corporation.

UNITED STATES OF AMERICA, *Petitioner,*

vs.

J. SHELDON POTTER.

UNITED STATES OF AMERICA, *Petitioner,*

vs.

MARTIN ERRECA.

UNITED STATES OF AMERICA, *Petitioner,*

vs.

JAMES J. STEVINSON, a Corporation.

UNITED STATES OF AMERICA, *Petitioner,*

vs.

ARCHIBALD J. STEVINSON.

UNITED STATES OF AMERICA, *Petitioner,*

vs.

I-H SECURITIES COMPANY.

ON WRITS OF CERTIORARI TO THE COURT OF CLAIMS.

BRIEF OF IRRIGATION DISTRICTS ASSOCIATION OF CALIFORNIA—AMICUS CURIAE.

IN THE

Supreme Court of the United States

October Term, 1948.

Nos. 229-304

UNITED STATES OF AMERICA, *Petitioner,*

vs.

GERLACH LIVE STOCK COMPANY, a Corporation.

UNITED STATES OF AMERICA, *Petitioner,*

vs.

J. SHELDON POTTER.

UNITED STATES OF AMERICA, *Petitioner,*

vs.

MARTIN ERRECA.

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vs.

JAMES J. STEVINSON, a Corporation.

UNITED STATES OF AMERICA, *Petitioner,*

vs.

ARCHIBALD J. STEVINSON.

UNITED STATES OF AMERICA, *Petitioner,*

vs.

3-H SECURITIES COMPANY.

ON WRITS OF CERTIORARI TO THE COURT OF CLAIMS.

BRIEF OF IRRIGATION DISTRICTS ASSOCIATION OF CALIFORNIA—AMICUS CURIAE.

Interest of Amicus Curiae.

Irrigation Districts Association of California is a voluntary association of 120 irrigation districts and other water districts organized under the California Irrigation District Act (Div. XI, Water Code of Cal.) and similar statutes. They are public agencies of the State. They range in size from as small as 800 acres to as large as 900,000 acres, there being 13 member districts exceeding 100,000 acres each in area. The principal function of these districts is to conserve, provide and distribute water for irrigation of agricultural land within their boundaries.

About 40 of the member districts are located in the Central Valley of California. Most of them now hold water rights by appropriation or riparian title to waters of the San Joaquin and Sacramento Rivers and tributaries thereof. These water rights, in some instances, originated from 70 to 90 years ago. The 40 districts lie within the project area of the Central Valley Project, and are beneficiaries of the project, and most of them expect to receive benefits from the project by way of regulation of the streams, or increased water supply, or both.

The members of this Association comprise within their boundaries in the aggregate over 4,000,000 acres of irrigated land out of the 6,000,000 acres of irrigated land within the State of California. These 4,000,000 acres are occupied and farmed by, and are the source of livelihood of, over 3,000,000 people out of the 10,000,000 people now living in California. Hundreds of millions of dollars have been expended by the districts for works connected with water supply and additional hundreds of millions have been expended by the farmers for the improvement of their lands for irrigation and farming.

The Association and its member Districts understand the claim of the United States in the cases at bar to be that, because of the constitutional authority of the United States over commerce, the United States may, at will and without liability, confiscate any existing water rights upon the San Joaquin and Sacramento Rivers and redistribute them among such beneficiaries of the project as it may choose.

Whether individual irrigation district members of the Association would be benefited or harmed as a result of the claim made herein by the United States that it can destroy water rights on a navigable stream without compensation, this Association and its members regard such a claim as having deep-seated and destructive consequences to the economy of irrigated agriculture in California and consider such claim to be unjust and not in accord with the law as declared by the Congress of the United States.

The Solicitor General by letter of January 14, 1949, and the respondents by letter of February 7, 1949, have consented that this Brief, *Amicus Curiae*, be filed; the two letters have been deposited with the Clerk.

Opinions Below and Jurisdiction.

These are adequately covered by the Petition (p. 2).

Statement of the Case.

Amicus Curiae assumes that the statements of the case made by Petitioner and Respondents are correct and adequate.

Argument.

To conserve the time of the Court, this *Amicus Curiae* concurs in and adopts the argument made in Brief of the States of California, Idaho, Kansas, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota and Washington, as *Amici Curiae,* herein filed.

Conclusion.

Amicus Curiae respectfully submits that the decisions below should be affirmed.

Dated February 18, 1949.

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